

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: BC-2011-05059
COUNSEL: NONE
HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

1. Her narrative reason for separation of "homosexuality" be removed from her DD Form 214, *Certificate of Release or Discharge from Active Duty* - **administratively corrected.**
2. Her separation code (SPD) of HRB , *Homosexual Admission*, be changed to "JFF" (*Secretarial Authority*) - **administratively corrected.**
3. She be awarded non-commissioned officer (NCO) status.
4. Her reentry code (RE) code of "2C" (*Involuntarily separated with an honorable discharge*) be changed.

APPLICANT CONTENDS THAT:

She was victimized by a girl who had a crush on a woman that she was dating. She did not receive the star to the rank of sergeant. She was a bi-sexual, but did not have a documented encounter.

The applicant does not provide any supporting documentation.

Her complete submission, with attachments, is at Exhibit A.

STATEMENT OF FACTS:

The applicant served in the Regular Air Force from 12 Oct 78 through 30 Aug 82. She received an honorable discharge with a narrative reason for separation of "Admitted Homosexual" and a SPD code of "HRB" after serving 3 years, 10 months, and 19 days on active duty.

On 20 Sep 11, the law commonly known as "Don't Ask, Don't Tell" (DADT), 10 USC 654, was repealed. The Department of Defense subsequently issued guidance indicating that Service Discharge Review Boards (DRB) should normally grant requests to change the narrative reason for a discharge, requests to re-characterize the discharge to honorable, and/or requests to change the reentry code when both of the following conditions were met: (1) the original discharge was based solely on DADT or a similar policy in place prior to enactment of DADT, and (2) there were no aggravating factors in the record, such as misconduct.

The remaining relevant facts pertaining to this application are contained in the letters prepared by the appropriate offices of the Air Force, which are at Exhibit C, D, E, and F.

AIR FORCE EVALUATION:

AFPC/DPSOS recommends approval. After reviewing the applicant's records, DPSOS did not find any aggravating factors, i.e., an additional basis for discharge for misconduct or performance related issues. Therefore, DPSOS recommends changing her narrative reason for separation to "Secretarial Authority" and her SPD code changed to "JFF".

The complete DPSOS evaluation is at Exhibit C.

AFPC/DPSOR recommends approval stating that the applicant's narrative reason for separation and SPD code should be changed to "Secretarial Authority" and "JFF", respectively.

The complete DPSOR evaluation is at Exhibit D.

AFPC/DPSOA recommends denying the applicant's request for NCO status as the commander denied her NCO status based on job performance and the effects her behavior had on the unit. With regard to changing the applicant's RE code, they do not recommend changing the code to "1J" (*Eligible to reenlist, but elects to separate*) since the applicant was not selected for reenlistment and there is no way to know whether her commander would have selected or non-selected her under the Selective Reenlistment Program (SRP). They do recommend her RE code be changed to "3K" (*Reserved for use by HQ AFPC or the AFBCMR when no other reenlistment eligibility code applies or is appropriate*).

The complete DPSOA evaluation is at Exhibit E.

AFPC/JA recommends approval. Based on the new guidance and pursuant to DoD policy, they are of the opinion that the applicant's narrative reason for separation should be changed to "Secretarial Authority" as recommended by AFPC/DPSOR. They also concur with the DPSOA recommendation of changing the applicant's RE code to "3K" because it is more appropriate in this case.

JA recommends denying the applicant's request for NCO status because the actions taken were in accordance with the law, regulations, and applicable policy in effect at the time.

The complete JA evaluation is at Exhibit F.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Copies of the Air Force evaluations were forwarded to the applicant on 11 Oct 12 for review and comment within 30 days. As of this date, this office has received no response.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Sufficient relevant evidence has been presented to demonstrate the existence of an injustice. In light of the repeal of DADT and the applicant's record of performance, it would be appropriate to change the applicant's RE code to "3K." In this respect, we agree with the opinion and recommendation of the Reenlistment Program Manager and adopt his rationale as our basis for recommending this correction. Therefore, in addition to the administrative corrections previously made to her records, we recommend the applicant's record be corrected as indicated below.
4. Insufficient relevant evidence has been presented to demonstrate the existence of an error or injustice that warrants awarding the applicant non-commissioned officer (NCO) status. In this respect, we agree with the opinions and recommendations of the Retirements/Separations Branch and the Staff Judge Advocate office and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice with regard to this portion of her request. Therefore, in the absence of evidence to the contrary, we find no basis to

recommend granting the relief sought in this portion of the application.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that on 30 August 1982, she was honorably discharged with a reentry (RE) code of "3K" rather than "2C."

The following members of the Board considered AFBCMR Docket Number BC-2011-05059 in Executive Session on 27 Nov 12, under the provisions of AFI 36-2603:

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, undated, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSOS, dated 9 Apr 12.
- Exhibit D. Letter, AFPC/DPSOR, dated 13 Jul 12.
- Exhibit E. Letter, AFPC/DPSOA, dated 9 Aug 12.
- Exhibit F. Letter, AFPC/JA, dated 18 Sep 12.
- Exhibit G. Letter, SAF/MRBR, dated 11 Oct 12.

Panel Chair